

## **REMARKS**

Claims 30-53 remain in this application. Claims 1-29 have been cancelled herein without prejudice. Claims 30-53 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### **Drawings**

The Examiner has objected to Figure 2 of the drawings because it includes the reference #230, which is not mentioned in the description.

Paragraph [0037] of the specification has been amended to refer to the reference #230. Applicants respectfully request that the objection be withdrawn.

### **Double Patenting**

Claims 1, 2, 4, 13, 14 and 28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over:

- (a) claims 22 and 23 of copending Application No. 2004/0038073;
- (b) claims 22 and 23 of copending Application No. 2004/0035316; and
- (c) claims 22 and 23 of copending Application No. 2003/0113576.

Without admitting the appropriateness of these provisional rejections, Applicants respectfully submit that these claims have been cancelled herein. Therefore, the provisional rejections are believed to be moot. The new claims are believed to be patentably distinct for at least the reasons discussed below. Applicants would also like to

point out for the record that Application No. 2004/0038073 has been patented as U.S. Patent No. 6,645,567.

### **35 U.S.C. §102(b) Rejection – EP 1022770**

The Examiner has rejected claims 1, 2, 4, 13, 14 and 28 under 35 U.S.C. §102(b) as being anticipated by EP 1022770. These claims have been cancelled herein. Therefore the rejection is believed to be moot. Applicants respectfully submit that the new claims are allowable over EP 1022770.

Claim 30 recites a method comprising “*storing for at least two days a solution containing a subset of a group consisting of a metal ion, a complexing agent, an ammonium salt, and a strong base; and nearer to a time of use in an electroless deposition process, using the solution to form a second electroless deposition solution containing the entire group*”.

EP 1022770 does not teach or suggest storing the claimed solution, let alone storing the claimed solution for at least two days.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is **strict identity**. “*For a prior art reference to anticipate in terms of 35 U.S.C. Section 102; every element of the claimed invention must be identically shown in a single reference.*” In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 30 and its dependent claims are believed to be allowable. Independent claim 45 and its dependent claims are believed to be allowable for similar reasons. Independent claim 48 and its dependent claims are also believed to be allowable.

### 35 U.S.C. §102(b) Rejection – Chebiam

The Examiner has rejected claims 1, 2, 4, 13, 14 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2003/0113576 issued to Chebiam et al. (hereinafter referred to “Chebiam”). These claims have been cancelled herein. Therefore the rejection is believed to be moot. Applicants respectfully submit that the new claims are allowable over Chebiam.

Claim 30 recites a method comprising “*storing for at least two days a solution containing a subset of a group consisting of a metal ion, a complexing agent, an ammonium salt, and a strong base; and nearer to a time of use in an electroless deposition process, using the solution to form a second electroless deposition solution containing the entire group*”.

Chebiam does not teach or suggest storing the claimed solution, let alone storing the claimed solution for at least two days.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is **strict identity**. “*For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.*” In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 30 and its dependent claims are believed to be allowable. Independent claim 45 and its dependent claims are believed to be allowable for similar reasons. Independent claim 48 and its dependent claims are also believed to be allowable.

### **Allowable Subject Matter**

The Applicant would like to thank the Examiner for the careful examination and for finding allowable subject matter. The Applicant respectfully requests that the Examiner consider the remarks herein and allow new claims 30-53.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections and objections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

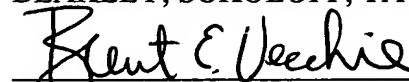
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 3-25-05

Respectfully submitted,  
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